

Executive Summary – Enforcement Matter – Case No. 44277

City of Huntsville

RN101609568

Docket No. 2012-1172-MWD-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

Robinson Creek Facility, Farm-to-Market Road ("FM") 1374, located approximately four miles south of the intersection of Interstate Highway 45 and FM 1374, Walker County

Type of Operation:

Wastewater treatment facility with an associated collection system

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: November 23, 2012

Comments Received: No

Penalty Information

Total Penalty Assessed: \$13,438

Amount Deferred for Expedited Settlement: \$2,687

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$10,751

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Average

Site/RN - Average

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002 and September 2011

Executive Summary – Enforcement Matter – Case No. 44277
City of Huntsville
RN101609568
Docket No. 2012-1172-MWD-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: March 8, 2012

Date(s) of NOE(s): April 30, 2012

Violation Information

Failed to prevent the unauthorized discharge of wastewater from the collection system into or adjacent to water in the state. Specifically, a review of the Facility's records indicated that ten unauthorized discharges of wastewater were reported from November 2010 to February 2012 [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System Permit No. WQ0010781004, Permit Conditions No. 2.g].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

Date	Locations	Description of Corrective Action
November 19, 2010	1009 United States Highway 75 North	Cleaned up the small debris and disinfected the area. Repaired the pipe failure and evaluated the cause of the discharge.
November 20, 2010	3159 Robinson Creek Way	Cleaned up the small debris and disinfected the area. Unclogged the line and scheduled the line for closed-circuited television ("CCTV").
November 21, 2010	1558 Veterans Memorial Drive	Cleaned up the small debris and disinfected the area. Unclogged the line and scheduled the line for CCTV.
January 18, 2011	259 West Sunset Drive (McDonald Creek lift station)	Cleaned up the debris, disinfected the area, and repaired the lift station equipment.
January 21, 2011	732 Vicki	Cleaned up the debris and disinfected the area. Unclogged the line and scheduled the line for CCTV.
February 5, 2011	383 Highway 75 North	Cleaned up the debris and disinfected the area. Unclogged the line and scheduled the line for CCTV.

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Docket No. 2012-1172-MWD-E

Corrective Action Table cont.		
April 13, 2011	1009 Highway 75 North	Cleaned up the debris and disinfected the area. Repaired the force main and evaluated the cause of the discharge.
November 13, 2011	20 Vickie Lane	Cleaned up the small debris and disinfected the area. CCTV to pinpoint area and cut back the roots.
November 28, 2011	2703 Montgomery Road	Cleaned up the small debris and disinfected the area. CCTV to pinpoint area and cut back the roots.
February 27, 2012	2400 Avenue M	Dammed up ditch and pumped sewage to adjacent manhole until the line was repaired. Disinfected area and cleaned up contaminated soil and small debris. Covered bank with stabilized sand to mitigate future erosion of the bank.

Technical Requirements:

N/A

Litigation Information

Date Petition(s) Filed: N/A

Date Answer(s) Filed: N/A

SOAH Referral Date: N/A

Hearing Date(s): N/A

Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: JR Cao, Enforcement Division, Enforcement Team 1, MC 169, (512) 239-2543; Debra Barber, Enforcement Division, MC 219, (512) 239-0412

TCEQ SEP Coordinator: N/A

Executive Summary – Enforcement Matter – Case No. 44277

City of Huntsville

RN101609568

Docket No. 2012-1172-MWD-E

Respondent: Carol Reed, Public Utilities Director, City of Huntsville, 1212 Avenue M,
Huntsville, Texas 77340

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ
DATES

Assigned 14-May-2012
PCW 30-Aug-2012

Screening 31-May-2012

EPA Due

RESPONDENT/FACILITY INFORMATION

Respondent City of Huntsville
Reg. Ent. Ref. No. RN101609568
Facility/Site Region 12-Houston **Major/Minor Source** Minor

CASE INFORMATION

Enf./Case ID No. 44277
Docket No. 2012-1172-MWD-E
Media Program(s) Water Quality
Multi-Media
No. of Violations 1
Order Type 1660
Government/Non-Profit Yes
Enf. Coordinator JR Cao
EC's Team Enforcement Team 1

Admin. Penalty \$ Limit Minimum \$0 **Maximum** \$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)

Subtotal 1 \$7,000

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 50.0% Enhancement **Subtotals 2, 3, & 7** \$3,500

Notes Enhancement recommended for one NOV with same/similar violations, one order with denial of liability, and five months of self-reported effluent violations.

Culpability No 0.0% Enhancement **Subtotal 4** \$0

Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** \$1,750

Economic Benefit 0.0% Enhancement* **Subtotal 6** \$0

Total EB Amounts \$16,052
Approx. Cost of Compliance \$180,000
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7

Final Subtotal \$8,750

OTHER FACTORS AS JUSTICE MAY REQUIRE

0.0%

Adjustment \$0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount \$8,750

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty \$8,750

DEFERRAL

20.0%

Reduction

Adjustment -\$1,750

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY

\$7,000

Screening Date 31-May-2012

Docket No. 2012-1172-MWD-E

PCW

Respondent City of Huntsville

Policy Revision 2 (September 2002)

Case ID No. 44277

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101609568

Media [Statute] Water Quality

Enf. Coordinator JR Cao

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	6	30%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 50%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

Enhancement recommended for one NOV with same/similar violations, one order with denial of liability, and five months of self-reported effluent violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 50%

Screening Date 31-May-2012

Docket No. 2012-1172-MWD-E

PCW

Respondent City of Huntsville

Policy Revision 2 (September 2002)

Case ID No. 44277

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101609568

Media [Statute] Water Quality

Enf. Coordinator JR Cao

Violation Number 1

Rule Cite(s) Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System Permit No. WQ0010781004, Permit Conditions No. 2.g

Violation Description

Failed to prevent the unauthorized discharge of wastewater from the collection system into or adjacent to water in the state, as documented during an investigation conducted on March 8, 2012. Specifically, a review of the Facility's records indicated that seven unauthorized discharges of wastewater were reported from November 2010 to April 2011, as shown in the attached table.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

	Harm		
Release	Major	Moderate	Minor
Actual			x
Potential			

Percent 10%

>> Programmatic Matrix

	Major	Moderate	Minor
Falsification			

Percent 0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants as a result of the violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 7

145 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$7,000

Seven quarterly events are recommended, one for each unauthorized discharge.

Good Faith Efforts to Comply

25.0% Reduction

\$1,750

Before NOV NOV to EDRP/Settlement Offer

Extraordinary		
Ordinary	x	
N/A		(mark with x)

Notes The Respondent achieved compliance by April 13, 2011.

Violation Subtotal \$5,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$16,052

Violation Final Penalty Total \$8,750

This violation Final Assessed Penalty (adjusted for limits) \$8,750

Economic Benefit Worksheet

Respondent City of Huntsville
Case ID No. 44277
Reg. Ent. Reference No. RN101609568
Media Water Quality
Violation No. 1

Percent Interest 5.0
Years of Depreciation 15

Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs EB Amount
Item Description No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$30,000	19-Nov-2010	27-Feb-2012	1.27	\$127	\$2,548	\$2,675
Engineering/construction	\$150,000	19-Nov-2010	27-Feb-2012	1.27	\$637	\$12,740	\$13,377
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to clean and disinfect the affected areas (10 x \$3,000 = \$30,000) and make any necessary repairs. The date required is the date of the first discharge. The final date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$180,000

TOTAL

\$16,052



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES	Assigned	14-May-2012	Screening	31-May-2012	EPA Due	
	PCW	30-Aug-2012				

RESPONDENT/FACILITY INFORMATION

Respondent	City of Huntsville		
Reg. Ent. Ref. No.	RN101609568		
Facility/Site Region	12-Houston	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	44277	No. of Violations	1
Docket No.	2012-1172-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	JR Cao
		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$3,750
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	50.0% Enhancement	Subtotals 2, 3, & 7	\$1,875
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Notes: Enhancement recommended for one NOV with same/similar violations, one order with denial of liability, and five months of self-reported effluent violations.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$937
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts \$0
Approx. Cost of Compliance \$0
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$4,688
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OTHER FACTORS AS JUSTICE MAY REQUIRE

Reduces or enhances the Final Subtotal by the indicated percentage.

0.0%	Adjustment	
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Notes:

Final Penalty Amount	\$4,688
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STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty	\$4,688
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DEFERRAL

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

20.0% Reduction	Adjustment	-\$937
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Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY

\$3,751

Screening Date 31-May-2012

Docket No. 2012-1172-MWD-E

PCW

Respondent City of Huntsville

Policy Revision 3 (September 2011)

Case ID No. 44277

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101609568

Media [Statute] Water Quality

Enf. Coordinator JR Cao

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	6	30%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 50%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

Enhancement recommended for one NOV with same/similar violations, one order with denial of liability, and five months of self-reported effluent violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 50%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 50%

Screening Date 31-May-2012

Docket No. 2012-1172-MWD-E

PCW

Respondent City of Huntsville

Policy Revision 3 (September 2011)

Case ID No. 44277

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101609568

Media [Statute] Water Quality

Enf. Coordinator JR Cao

Violation Number 1

Rule Cite(s) Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010781004, Permit Conditions No. 2.g

Violation Description

Failed to prevent the unauthorized discharge of wastewater from the collection system into or adjacent to water in the state, as documented during an investigation conducted on March 8, 2012. Specifically, a review of the Facility's records indicated that three unauthorized discharges of wastewater were reported from November 2011 to February 2012, as shown in the attached table.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

	Harm		
Release	Major	Moderate	Minor
Actual			x
Potential			

Percent 5.0%

>> Programmatic Matrix

	Major	Moderate	Minor
Falsification			

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants as a result of the violation.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 3

106 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$3,750

Three quarterly events are recommended, one for each unauthorized discharge.

Good Faith Efforts to Comply

25.0% Reduction

\$937

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		(mark with x)

Notes

The Respondent achieved compliance by February 27, 2012.

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$4,688

This violation Final Assessed Penalty (adjusted for limits) \$4,688

Economic Benefit Worksheet

Respondent City of Huntsville

Case ID No. 44277

Reg. Ent. Reference No. RN101609568

Media Water Quality

Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

See economic benefit on accompanying PCW.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

UNAUTHORIZED DISCHARGE TABLE**City of Huntsville****RN101609568****Docket No. 2012-1172-MWD-E**

Date	Locations	Amount Discharged (gallons)	Description
November 19, 2010	1009 United States Highway 75 North	30,000	Unauthorized discharge from 14 inch pipe failure.
November 20, 2010	3159 Robinson Creek Way	100	Unauthorized discharge because of rags and debris in the pipe.
November 21, 2010	1558 Veterans Memorial Drive	200	Unauthorized discharge because of rags and debris in the pipe.
January 18, 2011	259 West Sunset Drive (McDonald Creek lift station)	200	Unauthorized discharge because of lift station equipment malfunction.
January 21, 2011	732 Vicki	30	Unauthorized discharge because of rags and debris in the pipe.
February 5, 2011	383 Highway 75 North	500	Unauthorized discharge because of rags and debris in the pipe.
April 13, 2011	1009 Highway 75 North	80,000	Unauthorized discharge from force main failure.
November 13, 2011	20 Vickie Lane	200	Unauthorized discharge because of root blockage.
November 28, 2011	2703 Montgomery Road	50	Unauthorized discharge because of root blockage.
February 27, 2012	2400 Avenue M	2,000	Unauthorized discharge because of a drainage ditch bank collapsing and separating the pipe.

Compliance History Report

Customer/Respondent/Owner-Operator: CN600745566 City of Huntsville Classification: AVERAGE Rating: 2.37
 Regulated Entity: RN101609568 ROBINSON CREEK FACILITY Classification: AVERAGE Site Rating: 1.31
 ID Number(s): WASTEWATER PERMIT WQ0010781004
 WASTEWATER EPA ID TX0116572
 Location: Farm-to-Market Road 1374, approximately four miles south of the intersection of Interstate Highway 45 and Farm-to-Market Road 1374, Walker County, Texas
 TCEQ Region: REGION 12 - HOUSTON
 Date Compliance History Prepared: May 31, 2012
 Agency Decision Requiring Compliance History: Enforcement
 Compliance Period: May 31, 2007 to May 31, 2012
 TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
 Name: JR Cao Phone: (512) 239-2543

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? YES
2. Has there been a (known) change in ownership/operator of the site during the compliance period? NO
3. If YES, who is the current owner/operator? N/A
4. If YES, who was/were the prior owner(s)/operator(s)? N/A
5. If YES, when did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2011 Repeat Violator: NO

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.

Effective Date: 12/04/2008 ADMINORDER 2008-0740-MWD-E
 Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(5)
 Rqmt Prov: PERMIT PERMIT
 Description: Failure to properly operate and maintain the wastewater treatment plant (WWTP).
 Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(4)
 TWC Chapter 26 26.121
 Rqmt Prov: Permit Condition 2.g. PERMIT
 Description: Failure to prevent unauthorized discharges from the collection system.

- B. Any criminal convictions of the state of Texas and the federal government.

N/A

- C. Chronic excessive emissions events.

N/A

- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	03/09/2012	(1005231)		
2	06/25/2007	(588684)	4	08/22/2007 (605555)
3	07/24/2007	(588685)	5	09/24/2007 (605556)

6	04/14/2008	(619160)	35	10/15/2009	(818670)
7	10/23/2007	(630388)	36	11/18/2009	(818671)
8	11/26/2007	(630389)	37	12/07/2009	(818672)
9	12/27/2007	(630390)	38	01/14/2010	(818673)
10	02/25/2008	(677002)	39	06/04/2010	(824440)
11	03/19/2008	(677003)	40	03/08/2010	(835783)
12	01/29/2008	(677004)	41	04/09/2010	(835784)
13	04/22/2008	(695619)	42	05/13/2010	(835785)
14	05/19/2008	(695620)	43	06/08/2010	(847782)
15	06/23/2008	(695621)	44	07/09/2010	(862182)
16	07/21/2008	(717166)	45	08/13/2010	(868780)
17	08/18/2008	(717167)	46	09/09/2010	(875655)
18	09/19/2008	(717168)	47	10/11/2010	(883205)
19	01/06/2009	(722328)	48	11/10/2010	(889620)
20	10/22/2008	(732541)	49	12/10/2010	(897986)
21	11/24/2008	(732542)	50	01/05/2011	(903885)
22	12/19/2008	(732543)	51	02/08/2011	(910776)
23	02/17/2009	(755838)	52	03/07/2011	(918033)
24	03/19/2009	(755839)	53	04/15/2011	(930139)
25	01/20/2009	(755840)	54	05/09/2011	(939737)
26	04/16/2009	(772836)	55	06/10/2011	(947157)
27	07/13/2010	(796341)	56	07/07/2011	(954408)
28	05/10/2010	(801284)	57	08/12/2011	(960991)
29	02/05/2010	(818664)	58	09/16/2011	(967085)
30	05/19/2009	(818665)	59	10/11/2011	(973050)
31	06/18/2008	(818666)	60	11/09/2011	(979179)
32	07/16/2009	(818667)	61	12/14/2011	(986022)
33	08/21/2009	(818668)	62	05/07/2012	(990229)
34	09/10/2009	(818669)	63	01/06/2012	(992374)
			64	02/08/2012	(999686)

Date: 08/31/2008 (717168) CN600745566
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

Date: 11/30/2008 (732543) CN600745566
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

Date: 01/31/2009 (755838) CN600745566
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

Date: 03/31/2009 (772836) CN600745566
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

Date: 03/31/2010 (835784) CN600745566
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

Date: 05/10/2010 (801284) CN600745566
 Self Report? NO Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
 2D TWC Chapter 26, SubChapter A 26.121(a)(3)
 2D TWC Chapter 26, SubChapter A 26.121(b)
 2D TWC Chapter 26, SubChapter A 26.121(c)
 2D TWC Chapter 26, SubChapter A 26.121(d)
 2D TWC Chapter 26, SubChapter A 26.121(e)
 30 TAC Chapter 305, SubChapter F 305.125(4)
 30 TAC Chapter 305, SubChapter F 305.125(5)
 TWC Chapter 26 26.121
 TWC Chapter 26 26.121(a)(2)
 Description: Failure to prevent unauthorized discharges from the collection system.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 PERMIT PERMIT
 Description: Failure to adequately remediate McGary Creek following the sanitary sewer overflow which occurred on 03/08/2010.

- F. Environmental audits.
N/A
- G. Type of environmental management systems (EMSs).
N/A
- H. Voluntary on-site compliance assessment dates.
N/A
- I. Participation in a voluntary pollution reduction program.
N/A
- J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CITY OF HUNTSVILLE
RN101609568**

**§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2012-1172-MWD-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Huntsville ("Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a wastewater treatment facility with an associated collection system ("System") located at Farm-to-Market Road 1374, approximately four miles south of the intersection of Interstate Highway 45 and Farm-to-Market Road 1374 in Walker County, Texas (the "Facility").
2. The Respondent has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about May 12, 2012.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Thirteen Thousand Four Hundred Thirty-Eight Dollars (\$13,438) is assessed by the Commission in settlement of the violations

alleged in Section II ("Allegations"). The Respondent has paid Ten Thousand Seven Hundred Fifty-One Dollars (\$10,751) of the administrative penalty and Two Thousand Six Hundred Eighty-Seven Dollars (\$2,687) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the System:

CORRECTIVE ACTION TABLE		
Date	Locations	Description of Corrective Action
November 19, 2010	1009 United States Highway 75 North	Cleaned up the small debris and disinfected the area. Repaired the pipe failure and evaluated the cause of the discharge.
November 20, 2010	3159 Robinson Creek Way	Cleaned up the small debris and disinfected the area. Unclogged the line and scheduled the line for closed-circuited television ("CCTV").
November 21, 2010	1558 Veterans Memorial Drive	Cleaned up the small debris and disinfected the area. Unclogged the line and scheduled the line for CCTV.
January 18, 2011	259 West Sunset Drive (McDonald Creek lift station)	Cleaned up the debris, disinfected the area, and repaired the lift station equipment.
January 21, 2011	732 Vicki	Cleaned up the debris and disinfected the area. Unclogged the line and scheduled the line for CCTV.
February 5, 2011	383 Highway 75 North	Cleaned up the debris and disinfected the area. Unclogged the line and scheduled the line for CCTV.

Corrective Action Table cont.		
April 13, 2011	1009 Highway 75 North	Cleaned up the debris and disinfected the area. Repaired the force main and evaluated the cause of the discharge.
November 13, 2011	20 Vickie Lane	Cleaned up the small debris and disinfected the area. CCTV to pinpoint area and cut back the roots.
November 28, 2011	2703 Montgomery Road	Cleaned up the small debris and disinfected the area. CCTV to pinpoint area and cut back the roots.
February 27, 2012	2400 Avenue M	Dammed up ditch and pumped sewage to adjacent manhole until the line was repaired. Disinfected area and cleaned up contaminated soil and small debris. Covered bank with stabilized sand to mitigate future erosion of the bank.

10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have failed to prevent the unauthorized discharge of wastewater from the collection system into or adjacent to water in the state, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010781004, Permit Conditions No. 2.g, as documented during an investigation conducted on March 8, 2012. Specifically, a review of the Facility's records indicated that ten unauthorized discharges of wastewater were reported from November 2010 to February 2012, as shown in the table below:

UNAUTHORIZED DISCHARGE TABLE			
Date	Locations	Amount Discharged (gallons)	Description
November 19, 2010	1009 United States Highway 75 North	30,000	Unauthorized discharge from 14 inch pipe failure.
November 20, 2010	3159 Robinson Creek Way	100	Unauthorized discharge because of rags and debris in the pipe.
November 21, 2010	1558 Veterans Memorial Drive	200	Unauthorized discharge because of rags and debris in the pipe.
January 18, 2011	259 West Sunset Drive (McDonald Creek lift station)	200	Unauthorized discharge because of lift station equipment malfunction.
January 21, 2011	732 Vicki	30	Unauthorized discharge because of rags and debris in the pipe.
February 5, 2011	383 Highway 75 North	500	Unauthorized discharge because of rags and debris in the pipe.
April 13, 2011	1009 Highway 75 North	80,000	Unauthorized discharge from force main failure.
November 13, 2011	20 Vickie Lane	200	Unauthorized discharge because of root blockage.
November 28, 2011	2703 Montgomery Road	50	Unauthorized discharge because of root blockage.
February 27, 2012	2400 Avenue M	2,000	Unauthorized discharge because of a drainage ditch bank collapsing and separating the pipe.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Huntsville, Docket No. 2012-1172-MWD-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088
2. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
3. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
4. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Paul Turner
For the Executive Director

2/11/13
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Carol Reed
Signature

9/25/2012
Date

CAROL REED
Name (Printed or typed)
Authorized Representative of
City of Huntsville

PUBLIC UTILITIES DIRECTOR
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.